NGOs report on compliance by the Republic of Belarus with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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The report was prepared by the initiative "Human Rights Defenders Against Torture" in cooperation with

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1. In 2015, Article 128 of the Criminal Code was amended with a note, which defines the notion of "torture" in accordance with the understanding of the Convention. Currently, there are two articles in the Criminal Code that mention torture. Article 128 of the Criminal Code "Crimes against the security of mankind"[1] and part 3 of Article 394 of the Criminal Code "Compulsion to testify"[2]. The state in its report p.104 claims that the Criminal Code is applied regardless of the criminal law of the place where the act was committed in relation to the crime provided for in article 128, thus acts of torture are qualified as crimes falling under the universal jurisdiction. However, there is still no separate article for committing torture, and the abovementioned articles do not cover the whole range of acts of torture and the purposes of their usage, what does not allow to say that these articles establish a responsibility for all acts of torture, as required by Art. 4 of the Convention.

2. The State party has not changed its national legislation so that the statute of limitations would be not applied to all acts of torture.

3. To introduce in the Criminal Code an independent article providing for criminal liability for all acts of torture in the understanding of art. 1 and 4 of the Convention and to establish a universal jurisdiction for these crimes.

Article 2
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4. Representatives of the authorities and law enforcement agencies did not make public statements about the condemnation of torture, and in some cases even expressed an informal approval.

5. In November 2012, a citizen of the Republic of Belarus Sorochik V. had been tortured and beaten by militia officers for approximately six hours, they wanted him to confess in crimes he did not commit. At a press conference, President Lukashenko A. G. said that he had lost interest in this case, because it was a female officer who was beating a man.[3] Thus, at the highest state level, such actions of militia officers were not condemned because they were carried out by a woman and the president publicly demonstrated indifference to torture.

6. In early December 2014, the Belarusian president said that it was necessary to tighten the punishment for the distribution of drugs and to create special colonies for drug dealers with the most stringent conditions[4]. Egor Protasenya, sentenced in December 2015 to14 years for the distribution of drugs, committed a suicide attempt in Zhodino prison. According to his mother, Svetlana Protasenya, the son began writing about the intention to commit suicide shortly after his arrest, and at meetings with his mother told about tortures committed by investigation officers: they put on a gas mask and closed it so he couldn’t breathe, threw darts to his back, held a syringe with an unknown liquid near his vein and threatened to prick, if he wouldn’t confess, beat him. The prison administration knew about the suicidal moods of E. Protasenya, since all the correspondence sent by the prisoners was censored by the administration, but continued to

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[1] Article 128 of the Criminal Code "Deportation, unlawful detention, slavery, mass or systematic executions without trial, kidnapping, followed by their disappearance, torture or acts of cruelty committed on the ground of racial, national, ethnical and political reasons, religion of the civic population."

[2] Part 3 of Article 394 of the Criminal Code "Forcing a suspect, accused, victim, witness to testify or an expert to make a conclusion by using a threat, blackmail or other illegal actions by a person who conducts an inquiry, a preliminary investigation or carries out justice, combined with the use of torture."

[3] “It made me worry. I told Petkevich to investigate the case. And I was informed the same day that a woman had beaten him ... I honestly say that when I hear that a woman had beaten a man, I immediately lost interest in this topic,” Lukashenko said.

[4] The President suggested: "Unbearable conditions for them must be created in the places where they serve terms. If we have a lot of them, I do not think we have a lot to create a separate colony for them, but if there are many, let's give one of the colonies for this. If we do not have enough of such people for one colony, give one unit, a barrack or something else in a colony of the strictest regime, we will establish such a regime for them in a colony so that they would ask for death. And we will make the same for distributors."

hold him in solitary confinement and hadn't prevented him from committing a suicide attempt. Yegor Protasenya died on March 29.

7. In June 2016, the head of the Department of Execution of Punishments of the Ministry of Internal Affairs (DEP) also stated that the conditions in prisons for persons sentenced for the distribution of drugs "will be tougher".[5]

8. Publicly and unambiguously condemn the use of all forms of torture, referring in particular to law enforcement officers, military forces and prison staff, including in these statements a clear warning that any person who commits or participates in such acts will incur personal Criminal liability.

Question 3 from the list of issues

9. Legislation does not contain rules on the right of prisoners to be examined by an independent doctor. An independent doctor's visit to a prisoner may occur with the arbitrary permission of the institution's administration or of the DEP. When a prisoner gets to a prison, he or she has to undergo an examination by a medical worker who is an employee of the law-enforcement bodies.

10. There are still problems with access to a lawyer. The complaints of Andrei Sannikov's lawyer Pavel Sapelka, about the violation of Andrei Sannikov's procedural rights and his right not to be ill-treated were ignored. In particular, the denial of the lawyer's access to the accused was due to a technical problem - lack of rooms for visits. However, the complaint of the lawyer to the court with the request to change the preventive measure in the form of pre-trial detention to another on the grounds that it does not allow to ensure procedural guarantees was left without consideration, because it was the second one, and according to the judge, the filing of the second complaint is not allowed in accordance with the CPC. The defender's requirements to allow a possibility of communication in private before or during the procedural actions were also reflected in the interrogation process; these requests were not satisfied, and the appeal against the investigator's actions did not bring any results.

11. To legislatively guarantee the right of a prisoner to be examined by an independent doctor.

12. To amend the criminal procedural law so that complaints against changing the measure of restraint can be filed every time when there are new circumstances that give grounds to file it.

Question 4 from the list of issues

13. The functioning USSRAO provides for the filling and storage of information on detained persons, as indicated by the State in p. 33 of the report. Nevertheless, the legislation does not provide a possibility of obtaining data from this system for lawyers and relatives of detainees. Also, there is no provision for an urgent procedure of registering information in the central electronic database of detainees.

14. It is the prosecution body and not the court which decides whether to issue a detention order or not.

15. To establish at the legislative level, that all detainees are immediately registered in the centralized electronic database, to which lawyers and relatives of detainees will have access.

16. To take measures at the legislative level that only the court shall make decisions on provisional detention of an apprehended person.

Question 5 from the list of issues

[5] A number of measures have already been taken, and in the future the conditions will be further tightened, such prisoners already wear special signs. "We came to the fact that this year they will have a separate distinctive sign - a green patch. Next year they will have a special form of clothing. We will decide what color it will be," said the head of the DEP.

17. Law enforcement officers on duty, including a riot police (OMON), KGB officers do not always wear a uniform with appropriate visible identification signs. During peaceful assemblies, observers record militia officers without uniforms and identification signs.[6]

18. In addition, there is a practice of detaining citizens by law enforcement officers without identification marks and uniforms. There are cases when during the searches there are officers without uniforms that refuse to show their documents and introduce themselves.

19. According to the paragraph 35 of the State report, Order No. 513 of the Ministry of Internal Affairs from November 29, 2013 established a sample of a badge with the personal number of an officer of the internal affairs bodies. The badge can be worn on the officer's uniform in the order established by the regulatory legal acts of the Ministry of Internal Affairs, which determine the order of wearing an officer's uniform. The abovementioned normative act is not available in open access, so it is impossible to determine whether a badge is mandatory and whether a responsibility for its absence is established.

20. It should be noted that prior to the introduction of a badge with the personal number, officers of the internal affairs agencies had badges with more information: last name, first name, patronymic, position and rank of an officer. In addition, the personal number of an officer on a badge is not distinguishable from a distance, which in fact does not allow to identify him.

21. To oblige to wear a uniform equipped with clearly visible identification signs and to provide all representatives of law enforcement agencies that are on duty, including special forces (riot police), KGB officers with it.

Question 6 from the list of issues

22. At the legislative level, the state has not taken measures to prevent acts of torture and ill-treatment in places of detention.

23. The state in p.38 of its report states that in 2014 the prosecutor's office held 1,555 inspections in the institutions of the penal system of the republic. On the Prosecutor General's website, this information is not published. The regional and Prosecutor General's Offices do not give any information on the number of inspections conducted answering the appeals sent to them by HR defenders, the prosecutor's office does not give a substantive answer and refers to the fact that this information is official.

24. According to information given by former prisoners, prosecutors who visit with inspections places of detention are not taken to problematic places (disciplinary confinement, cell type facility, medical unit). Administration tries to hide serious violations, prosecutors are shown only inmates who cooperate with the administration and who mention only some minor violations.

25. According to the state report p. 37, the Office of the Prosecutor General established a hotline, it regularly conducts personal reception of convicts and persons held in custody, meetings with former convicts are held in order to receive information about possible facts of torture and violence during their detention and serving terms, the reasons of body injures by a special contingent in pre-trial detention centers and prisons are analyzed. However, in practice,

[6] For example, the picket "For Fair and Free Elections" September 10, 2015 in Minsk: there were two road militia officers (present before the start of the picket and appeared after the participants began to disperse), two officers in uniforms, about 40 in civilian clothes with distinctive features (headphones, walkie-talkies), all the commanding officers of the Main Department of Internal Affairs of the Minsk City Executive Committee and the Department of Internal Affairs were in civilian clothes without identification marks. Two militia officers filmed parts of the picket on camera, three had a built-in mini camera in the frontal part of the face.

On November 24, 2015, a mass event was held in Minsk on the occasion of the anniversary of the 1996 referendum. It was difficult to determine a number of officers due to the lack of identification marks on the majority of officers. There were about 7 road police officers, 4 people in uniforms with the inscription "Militia", 2 people in uniforms and blue waistcoats with the inscription "Information Group", about 60 - in civilian clothing with distinctive features (headphones, walkie-talkies). All the commanding officers of the Main Department of Internal Affairs of the Minsk City Executive Committee and the Department of Internal Affairs were in civilian clothes without identification marks. Police officers had: rubber sticks, handcuffs. About 10 plainclothesmen carried out a video-recording of the action. One man was seen with an electro-shocker in his hands.

prisoners do not have an opportunity to call the General Prosecutor's Office, calls to convicts and detainees are only allowed for good conduct, and only by a written application to the prison administration that specifies the address, name, surname, degree of relationship, phone number and duration of the conversation. We do not know the cases of meetings with former convicts in order to receive information about possible facts of torture and violence during their detention and serving their sentences. In media, Internet, on the Prosecutor General's website, there were no reports of searches for former prisoners or about such methods.

26. The state does not take measures neither at the legislative level, nor in practice of video recording of all interrogations.

27. To hold by the General Prosecutor's Office, open and with timely publication of information in media, meetings with relatives of prisoners and former prisoners in order to obtain information about possible facts of torture while in custody and serving their sentences.

28. To publish detailed information on the website of the Prosecutor General's Office about the place, time and frequency of prosecutor's inspections of places of detention, including psychiatric clinics, and the results of these visits and actions taken.

29. At the legislative level and in practice, to take measures aimed at video recording of all interrogations from the moment of detention.

Question 7 of the list of issues

30. More than 15 years have passed since the visit to Belarus and a report by UN Special Rapporteur on the independence of judges and lawyers, but the overwhelming majority of the recommendations made in the report have not been implemented.

31. The Code on the Judicial System and Status of Judges as amended of 2016 stipulates that the functions of the organizational, logistical and personnel support of the activities of courts of general jurisdiction, as well as in the sphere of departmental control over the compliance of the activities of courts of general jurisdiction with the requirements of legislation, are exercised by the Supreme Court. Thus, these functions are removed from the competence of the Ministry of Justice as an executive body, which can be noted as a positive aspect of judicial and legal reform.

32. At the same time, in the sphere of independence of the judiciary, the following problems remain relevant:

1) The executive power in the person of the President of the Republic of Belarus and his administration takes final decisions on the fundamental issues of the judiciary activities.

2) The process of selecting candidates and appointing judges is held in a closed for the public regime, only decrees on appointment and release of judges are published. The criteria, with the exception of those specified in the Code on Judicial System and the Status of Judges, of the general requirements for candidates used by the President, as well as the Security Council when making a decision, are unknown and not brought to the attention of candidates for judges and the public.

3) the legal status of judges with regard to the provision of the principle of irremovability has now worsened. The Code on Judicial System and Status of Judges as amended of 2016 established the rule that "judges are appointed for a term of five years and can be appointed for a new term or termless." Thus, the question of whether to appoint a judge for a new five-year term or termless is decided arbitrarily and without clear criteria established in the law. From the analysis of the Presidential Decrees on the appointment of judges for the period from January 2014 to March 2017, it is evident that 353 judges or 87% of all appointees have been appointed for a period of 5 years. If this number is supplemented by 25 judges appointed for the period of social leave of another judge, then 378 judges or 93% of all appointed judges are appointed for a certain period. Only 30 judges had been appointed termless in the given period.

4) The President has a wide range of opportunities to dismiss a judge. Thus, a judge may be dismissed by the transfer to another position, expiration of the term of office, appointment for a new term, assignment of another qualification class, disciplinary responsibility, during regular and extraordinary attestations, which are carried out practically with any transfer of the judge in

office. The norm of the Code on the judicial system and the status of judges on the termless appointment of a judge to the office is in fact compromised by the provision that every five years an extraordinary attestation is carried out, which allows to dismiss a judge following the results of such attestation. The President is entitled to bring to disciplinary responsibility any judge without instituting disciplinary proceedings. The Code on Judicial System does not provide for the possibility for a judge to appeal against the decisions of the President on the implementation of a disciplinary punishment.

5) The authority of a judge may be terminated: in case of systematic disciplinary violations (bringing to disciplinary responsibility more than two times within one year); a single gross violation of official duties, the commission of an offense incompatible with being in the civil service. At the same time, the President's decision to terminate the authority of a judge can be taken, either on the proposal of the Head of the Supreme Court, or without such proposal.

33. To establish independent bodies of judicial self-government in the Republic of Belarus with the functions of selecting, appointing, dismissing and disciplining judges, to consolidate its freedom and guarantee its activities at the legislative level.

34. To amend the legislation, excluding the decisive influence of the President and the executive power on the issues of appointment, bringing to disciplinary responsibility and dismissing judges, their financial and pension provision.

35. To ensure termless appointment of judges, making appropriate changes to the legislation.

36. To solve the issues of legislative regulation of the provision of housing, other social benefits (bonuses, benefits, etc.) for judges that exclude all kinds of discretion.

37. Previous recommendations of the Committee on the investigation of cases of lawyers who represented the detainees after the events of December 19, 2010 and who subsequently were deprived of licenses, among them - Pavel Sapelko, Tatyana Ageeva, Vladimir Tolstik, Oleg Ageev, Tamara Garaeva, Tamara Sidorenko were not fulfilled and their licenses were not restored by the state.

38. T. Ageeva, V. Tolstik, O. Ageev, T. Garaeva and T. Sidorenko appealed against the actions of the Ministry of Justice to bar them from practice, but courts supported the position of the state body. Currently, the HRC has registered an individual communication No. 2802/2016 by O. Ageev against Belarus, which raises the issue of violation by the state of Article 14.19 of the ICCPR.

39. Until now, neither state bodies nor bar associations have even considered the issue of restoring the legal status of P. Sapelka, T. Ageeva, V. Tolstik, O. Ageev, T. Sidorenko. Lawyers who are deprived of the right to a profession, face difficulties in finding a job by profession.

40. In April and July of 2017, the Ministry of Justice carried out an inspection of the Mogilev regional and Minsk city bar associations. The subject of the audit was compliance with the instructions of the Ministry of Justice, which regulate the procedure for issuing documents accompanying the work of a lawyer. Formally, all the lawyers of the colleague were subjected to the inspection, however, the process was selective and the Ministry staff decided who should be involved. The errors in the technical registration of the documents discovered during the inspection became the reason for the appointment for a number of attorneys of an unscheduled certification by the Ministry, which is usually held once every five years. As a result, out of 33 attorneys who have passed the certification procedure, the Qualification Commission of the Ministry of Justice made a decision on the impossibility of fulfilling their professional duties due to lack of qualifications in respect of 2 lawyers; on incomplete compliance with the requirements of the legislation with a delay of attestation for six months - with respect to 12 lawyers.

41. Even before the beginning of the inspection, it was said that it was initiated by KGB and is connected with the work of some lawyers on resonant, politically motivated cases and their cooperation with human rights defenders. The analysis of the attestation results shows that 8 attorneys who failed to pass the certification are the lawyers of the defendants in the case of

"preparation for mass riots", which was initiated by KGB on March 21, 2017 before the scheduled for March 25 rally of social protest. This case, as further events showed, was the reason and justification for the harsh suppression of the rally, the detention of hundreds of its participants. This allows to assess the negative measures taken to lawyers through the procedure of re-certification, as revenge for their professional activities, active professional position and intimidation.

42. The situation with bar associations, which are legally independent, and in practice are subordinate to the Ministry of Justice, has not changed. The Committee's recommendations in this part are not being implemented. The state does not comply with the requirement to reform bar associations, guaranteeing their independence and self-government in accordance with the international standards. The procedure for providing access to the profession in the Republic of Belarus does not comply with the international standards. A general analysis of the provisions governing disciplinary proceedings also leads to the conclusion that lawyers do not have any independence. The Ministry of Justice is endowed with the widest powers to monitor bar activities as an institution as a whole, and the activities of individual lawyers as bearers of a license for practicing advocacy, which is issued by the Ministry of Justice.

43. To bring the legislation of the Republic of Belarus regulating bar activities in accordance with the international standards.

44. To exclude from the legislation on the Bar provisions relating to the competence of the Ministry of Justice with regard to the regulation of the bar, transferring the functions of the Ministry of Justice to the bar self-government bodies.

45. To cancel the licensing of lawyers by the Ministry of Justice, transferring the authority to admit lawyers to professional activities to the bar self-government bodies.

46. To exclude representatives of executive bodies from the qualification commission and transfer all functions of administering the qualification commission to the bar self-government bodies.

Question 8 from the list of issues

47. The provisions of the Convention are considered by authorized officials only as theoretical and are never applied by courts. According to the information provided in the State report, in 2011 - the first half of 2015 the cases of crimes under articles 128 and 394 of the Criminal Code were not considered by the courts. Accordingly, there are no examples of the use by the domestic courts of the definition of torture contained in the article 1 of the Convention.

48. There is no a single case when a national court ruled on the basis of the Constitution or an international treaty.

49. Decisions of international bodies, in particular the HRC, are not taken into account by the courts, since, in their opinion, they are of a recommendatory nature.

50. To take necessary measures to ensure de facto application of the provisions of the Convention within the national legal system.

Question 10 from the list of issues

51. The Committee's recommendations that the Republic of Belarus should take all necessary measures to ensure that human rights defenders and journalists are protected from intimidation or violence because of their activities are not executed.

52. In 2011, human rights activist Pavel Levinov was detained for no reason on suspicion of committing a terrorist act at the Oktyabrskaya metro station in Minsk. Relatives and colleagues were not provided with information on the location of the human rights defender. After two days in custody, the charge in a criminal offense was changed to administrative (petty hooliganism), which was also falsified. While in militia custody, the human rights activist was subjected to physical violence. By order of the court, he was imprisoned for 10 days. Subsequently, the actions of the militia officers who detained him were recognized as legitimate, as well as restrictions on obtaining legal assistance.

53. Human rights defender Ales Bialiatski was released in June 2014 under an amnesty. The state dodged the investigation of the allegation that A. Bialiatski was arrested and brought to trial as a revenge for his appearances at international forums.

54. The UNCRC in the Communication Consideration No. 2165/2012 of 24.10.2014 established violations of the rights of A. Byalyatski by the Republic of Belarus under art.9, art. 14 (2), art. 22 (1) of the ICCPR. No measures have been taken to implement these UNCHR Considerations and to restore the violated rights of A. Bialiatski by the Republic of Belarus.

55. In 2015, a Russian citizen, a human rights activist Elena Tonkacheva, was deported from Belarus, where she had permanently resided for many years, had real estate, family and work, because her car exceeded speed limits several times. Such a sanction is inadequate to the nature of violations and is nothing more than an exile for human rights activities. E. Tonkacheva is prohibited from entering Belarus for 3 years. E.Tonkacheva received refusals on repeated appeals to reduce the period of the ban on entry.

56. Belarusian human rights activists are becoming an object of close attention of officials of the border committee and customs when crossing the border. So, in May 2015, a laptop was confiscated from a human rights defender Leonid Sudalenko, when he was crossing the border. In August 2015, he was taken off the train Vilnius-Minsk and without any reason was subjected to a personal search. In April 2015, the authorities initiated a criminal investigation into the distribution of pornography allegedly from Sudalenka's IP address, as a result of which all computer equipment was confiscated from the regional office of the human rights organization "Legal Initiative", which Sudalenko represents, as well as from his place of residence.

57. In October 2015, the verdict of the closed court against Mikhail Zhemchuzhny (founder of the human rights organization "Platform Innovation") came into force, and he was sent to a strict-security colony for 7 years.[7] Mikhail Zhemchuzhny was trying to get information from a militia officer which is of public interest. It was information about initiated criminal cases against officials, a summary of incidents involving law enforcement officers, a special report on the fact of a sudden death of citizen Kudelko in the temporary detention facility of the Department of Internal Affairs of the Vitebsk Oblast Executive Committee, the order of the Ministry of Internal Affairs "On Certain Aspects of Working with Personnel in the Ministry of Internal Affairs".

58. Till now Belarusian authorities have not implemented the decision of the HRC, about violation of the Article 22 of the ICCPR in respect of the eleven members of Viasna Human Rights Center. In accordance with this decision, human rights defenders are entitled to appropriate satisfaction of their complaints, including re-registration of their organization.

59. Information on threats and harassment of journalists Irina Khalip and Andrzej Poczobut, the chairman of the Belarusian Helsinki Committee Oleg Gulak, head of the human rights center "Legal Aid to the Population" Oleg Volchek, social network moderator R. Protasevich was widely known not only at the territory of the Republic of Belarus to media, but also beyond its borders. Under these circumstances, the state's reference to the fact that the information was not received by the General Prosecutor's Office is untenable. National legislation grants a prosecutor the right to independently apply to the court with applications (claims) in defense of the rights and legitimate interests of citizens, as well as public and state interests.

60. In response to the complaint against persecution, the prosecutor's office informed human rights activist O. Gulak that there were no violations in the actions of the officials of the internal affairs bodies, since the human rights defender did not have documents that entitle him to participate in the unauthorized action.

61. At the same time, on March 26, 2017 human rights defender of the “BHC” P.Levinov was detained and arrested for 10 days during observation of an unauthorized peaceful assembly. He worn the observer's badge and had a referral from the organization to observe the meeting.

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[7] Seven Belarusian human rights organizations recognized Mikhail Zhemchuzhny as a political prisoner and urged the Belarusian authorities to reconsider the case against the founder of the human rights organization “Platform Innovation” in a public hearing.

62. Belarusian authorities create obstacles on the way of possibilities to obtain funding, including from abroad, for conducting human rights activities. The settlement account of the Belarusian Helsinki Committee had been under arrest for a long time.

63. The presence of a settlement account abroad for the activities of the human rights center "Viasna" led to the conviction of its leader A. Bialiatski, and Valentin Stefanovich to administrative liability.

64. Human rights defenders and independent journalists are closely monitored by the tax authorities, who scrupulously compare their incomes and expenses and fine them for the slightest discrepancy. Human rights defenders L. Sudalenko, P. Levinov and editor of the independent newspaper "Free City" Sergei Nerovny have twice in three years undergone such a procedure.

65. Head of the youth organization "Union of Young Intellectuals" Andrei Gaydukov in 2013 in a closed trial was found guilty of attempting to establish contacts with a foreign special service officer without signs of treason to the state and was sentenced to a half year of a general regime colony. An officer of the Belarusian special service pretended to be an officer of a foreign special service, from whom A. Gaydukov tried to get funding for the activities of the youth organization.

66. Decree of the President of the Republic of Belarus from August 31, 2015 No. 5 "On Foreign Donor Aid" hasn't improved the situation for non-profit organizations regarding a possibility of obtaining and registering it. The decree retained the main provisions hampering the free access of civil society organizations to foreign resources: a permit system for preliminary registration of foreign donor aid; a narrow list of purposes it can be used for; the minimum amount of donor financial aid that does not require registration is not established; the selective principle of exemption of received foreign aid from taxes and dues (duties) is retained, the aid is exempted from taxes and fees by the General Affairs Directorate of the President of the Republic of Belarus with agreement of the President after the submitting of the conclusion by the competent state body; the norms on the possibility of bringing to criminal responsibility for violations of the legislation on foreign donor aid have not been established; preferential treatment was granted to state structures for receiving foreign donor aid in comparison with organizations of civil society.

Article 3

Questions 12, 13, 14 from the list of issues

67. At the moment there are 3 centers for temporary stay of refugees in Belarus, but there is no a separate special center for keeping detainees for violation of migration legislation (including lack of documents for identification). These persons are most often placed in custody to pre-trial prisons or temporary detention facilities which are not intended for prolonged detention, but where without a court's decision, foreign citizens and stateless persons are kept for a long period (up to a year).

68. At the same time, the conditions of detention in most isolators can be regarded as degrading human dignity (poor sanitary and temperature conditions, occasional walks, a shower once every 7 days, poor quality and inadequate nutrition). Cases of violation of rights of foreign citizens and stateless persons are recorded: to timely explanation of rights and obligations; to the assistance of a lawyer and an interpreter; to explanation of the procedure for obtaining asylum, additional protection or voluntary repatriation. Detainees often do not understand the grounds for detention in such conditions and the length of detention. Information on detention and placement of foreign citizens to temporary detention facilities is not given to human rights defenders.

69. Also, Belarus practices forced expulsion, deportation and extradition to states where there are threats of torture and the death penalty. Cases of open and hidden forms of extradition, as well as expulsions without a procedure, are recorded.

70. Blogger Alexander Lapshin, who has Israeli and Russian citizenship, was extradited from Minsk to Azerbaijan on February 7, 2017 by the decision of the Belarusian Prosecutor General's Office, despite a complaint to the Human Rights Committee about the threat of torture in case of extradition. In addition, the request was of a clearly political character, and Azerbaijan,

according to human rights activists, practices torture, after extradition Alexander complained about the conditions of detention and non-provision of medical assistance, and was sentenced to 3 years under articles "open calls against the state" and "Illegal crossing of the state border" (visit to Nagorno-Karabakh).

71. An example of a hidden form of extradition occurred with a citizen of the Islamic Republic of Iran, Mehrdad Jamshidiyan, who has lived in Belarus since 1993, has a family with a Belarusian citizenship. Mehrdad’s brother was a member of the opposition party in Iran. Since 2002, Mehrdad has converted to Christianity. Since 2012, the Iranian authorities have entered him into the search base of Interpol on suspicion of murdering his brother and mother. He claims that he did not commit this crime, and there is evidence for this. From December 2012 to May 2013, he was twice arrested in the Republic of Belarus for extradition. However, he was released, and on 03.05.2013 the Deputy Prosecutor General of the Republic of Belarus decided not to satisfy the request for extradition in connection with the failure of Iran to provide all the necessary documents. However, simultaneously with refusal to extradite, the prosecutor's office initiated the issue of forcible expulsion of Jamshidiyan M. and on February 12, 2013, the body of the Citizenship and Migration Department of the Ministry of Internal Affairs made such a decision. In fact, this decision is a hidden form of extradition. At the moment, presence of his information in the Interpol database has been suspended, and UNHCR is considering the issue of international protection. However, at any time he can be deported to Iran, where he can face torture and death penalty.

72. A hidden form of extradition is also manifested in the case of a person in an interstate wanted list following agreements between Belarus and Russia.

73. Thus, for example, on April 4 2017, Imran Salamov, a native of Chechnya, applied for the Assistance to Refugees Mission organised in Brest by the Human Constanta NGO. He said that he had arrived to Brest on March 21 2017 and prior to March 29 made eight trips to the Polish border crossing point “Terespol” to apply for asylum in Poland, but the Polish border guards would not let him do so. Imran also said that at home, within over 15 years, he had been repeatedly detained illegally and that during his detention he was tortured.

74. On April 13, the Belarusian authorities detained Imran during the border control procedure. As it turned out later, on April 6, the Russian Federation put him on the international wanted list on suspicion of the participation in an illegal armed group. Immediately after the detention, the decision was taken about the expulsion of Imran from Belarus. Imran believed that, in case of his return home, the Chechen security officers would torture him; therefore, he applied for the international protection in Belarus. In accordance with the law, his application suspended the expulsion for the pendency period.

75. However, in late August, he was denied the protection in Belarus. After Imran was informed about the decision on the denial of the protection, he had 15 days to appeal the decision. According to the law, the expulsion was to be suspended for the pendency period. However, on 5 September 2017, Imran was forcibly deported to Russia.

76. After his expulsion from Belarus on September 5, he was taken to Grozny (Chechnya) as late as on September 11. On that day, Imran’s relatives and lawyers were allowed to see him. As of 27 September 2017, the fate of Imran Salamov triggers concern. Since September 11, neither his relatives, nor his lawyer have been allowed to see him. They have no information about his condition and exact placement.

77. An example of expulsion without due process is the following: on July 7 2017, when entering from Belarus to Ukraine, a Russian citizen from Chechnya Murad Amriev was detained because he was on an interstate wanted list from Russia on suspicion of committing a crime (forgery of documents). Earlier in 2015, Murad Amriev left Russia and appealed to the European Court of Human Rights on the fact of torture in Chechnya. Because of an error in the issued passport, he was forced to return to Russia, where he was detained in Bryansk, but was able to leave after the actions of the lawyer.

78. After being detained on July 7 2017 at the Belarusian-Ukrainian border crossing, Murad was taken to the militia department of the city of Dobrush, where he was not given a possibility to meet a lawyer, both Russian and Belarusian, throughout the day. There are also video materials that testify that Amriev demanded for access to a lawyer, as well as international protection, which were ignored.[8] And a day later Murad was taken to the Russian border and transferred to the police services from Chechnya without a clear explanation of the procedure.
79. According to the official position of Belarusian authorities, this incident is not an extradition, clearly regulated by the legislation, including the scope of the rights of detainees.[9] According to information in the official media, there was a procedure of "transfer", which is not regulated by the law. Only after additional appeals to the Ministry of Internal Affairs it was called a procedure of expulsion.
80. The state report (p.93) states that "The problem of statelessness is not acute for the Republic of Belarus". At the same time, we draw your attention to the fact that Belarus haven't ratified two specialized conventions related to stateless persons (the Convention on the Reduction of Statelessness of 1961, the Convention on the Status of Stateless Persons of 1954), which in some cases leads to a gross violation of human rights.
81. Asra Mirwiza, had been living in Belarus for a long time, and because of the persecution in the state of origin, renounced the citizenship of Afghanistan. At the same time, Belarus denied him a refugee status in 2014, he was kept in custody throughout the procedure and, under pressure by employees of OGIM, and for a chance to be released, he applied to the Afghan embassy to restore citizenship, after that he was deported there for 5 years. In total Asra had spent more than a year in pre-trial prison. In Belarus he has a young daughter.
82. Tatyana Fimina, a former citizen of the Kazakh SSR, renounced her citizenship due to her long stay in Belarus to obtain a Belarusian passport, but she did not pass the procedure in time to obtain a citizenship. Tatyana was detained without documents in November 2016 and has been kept in temporary detention facility for over 8 months in Minsk. By the end of July 2017, the consent of the Ministry of Internal Affairs of the Republic of Kazakhstan was obtained for the readmission of Tatyana Fimina and the question of issuing the document necessary for crossing the border is being decided.

83. To introduce in the legislation, the right to free use of services of an interpreter and a lawyer in the sphere of forced migration at all stages of the application and consideration of the application for protection.
84. To consider the simplification of the procedure for obtaining protection for foreigners, use the presumption of trust more actively when considering the application for protection, and provide for the transparency of this procedure.
85. To completely abandon the practice of deportation to states of citizenship of persons where they may face death penalty, torture, persecution on the basis of distinctive features, a danger in connection with the military conflict. To refuse the practice of expulsion without due process, including hidden extradition.
86. To develop a procedure for effective legal mechanisms for the protection of foreign citizens and stateless persons in case of their forced migration from the country of origin.
87. To use detention and detention of foreigners solely as an extreme measure against individuals in case of having telling arguments and in accordance with the UNHCR Guidelines on Applicable Criteria and Standards for the Detention and Detention of Asylum Seekers and Alternatives to Detention. To provide for the possibility of visiting by representatives of specialized NGOs the detained foreign citizens and stateless persons.
88. To consider ratifying the 1961 Convention on the Reduction of Statelessness, the 1954 Convention relating to the Status of Stateless Persons.

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8 https://tvrain.ru/teleshow/videooftheday/murad_amriev_ja_hochu_poluchit_politicheskoe_ubezhische_zdes-436754/
9 http://www.belta.by/incident/view/boets-mma-amriev-peredan-rossijskoj-storone-251852-2017/

Article 10

Question 17 from the list of issues

89. There is no information in public access on the comprehensive training of prosecutors, judicial and law enforcement officials on the provisions of the Convention and its application. We do not know of any cases of organization of meetings, round tables, seminars on any issues of the Convention.

90. In the retraining program for personnel with higher education in the specialty "Jurisprudence", there is no topic on the application of the Convention. Moreover, there is also no direct consideration of national legislation on the prohibition of torture.[10]

91. In its report p.106, the state asserts that "employees of temporary detention facilities and pre-trial prisons regularly take part in advanced training courses. The training of such staff allows them to maintain safe conditions in these special institutions." However, the state does not specify where exactly these courses take place, who conducts them and what programs are used.

92. The Republic of Belarus is not aimed at cooperation with civil society organizations in the training and education of persons who perform the various duties listed in Article 10 of the Convention on the absolute prohibition of torture, as well as rules, instructions and methods of interrogation.

93. To provide regular training for all persons who carry out the various duties listed in Article 10 of the Convention concerning the provisions of the Convention and the absolute prohibition of torture, as well as rules, instructions and methods of interrogation, in particular in cooperation with human rights organizations.

94. To provide special training to all staff, especially medical workers, on the detection of signs of torture and ill-treatment and use the Guidelines for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

95. To introduce a gender approach for the training of those involved in the detention, interrogation or work with women subjected to any form of arrest, detention or imprisonment.

96. To regularly assess the effectiveness and of such educational programs in reducing the number of cases of torture and ill-treatment.

Article 11

Question 18 from the list of issues

97. According to the Criminal Code, the court can appoint compulsory measures of safety and treatment for people suffering from mental disorders (diseases) who have committed socially dangerous acts provided for by the Criminal Code in order to prevent these persons from committing new socially dangerous acts, to protect and to and treat such persons. Change and termination of the application of compulsory security measures and treatment to persons suffering from mental disorders (diseases) are carried out by the court on the basis of the conclusion of the medical consultation commission of specialists in the field of psychiatric care. However, there are cases when, even after the positive conclusions of medical specialists about the absence of the need in further compulsory treatment, the prosecutor's office insisted on continuing treatment considering the treatment to be a punishment. The court in such cases almost always takes the side of the prosecutor's office.

98. In July 2016, for criticism of the court, the prosecutor's office and the president the court of the Frunzensky District of Minsk issued a decision on the use of coercive measures of detention and treatment in a psychiatric hospital against the 80-year-old Alexander Lapitsky. Since November 15, 2016, Lapitsky has been placed in a psychiatric hospital. Until now, Lapitsky continues to be with people who suffer from mental disorders, what also has a negative impact on his health. Prior to the institution of criminal proceedings, Lapitsky did not suffer from any mental illness and has never been on record.

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[10] http://www.lawinstitute.bsu.by/The_teaching_process/Retraining_specialty_Jurisprudence_/Training_programs

99. The Republic of Belarus has evaded the investigation into the allegation of compulsory treatment of Igor Postnov. Having examined the conclusion of the independent psychiatric association of Russia, which is a member of the World Psychiatric Association, according to which I. Postnov did not need to be hospitalized and forced to take medicines, the Ministry of Health explained that this report is of a recommendation nature, and the decision on compulsory hospitalization was made in accordance with the national legislation.

Question 19 from the list of issues

100. There are no independent bodies in Belarus authorized to conduct without prior notification independent and periodic visits to places of detention, including psychiatric hospitals. There are PMCs (public monitoring commissions) in the country. In accordance with Resolution No. 1220, only members of a PMC have the right to exercise public control over the activities of bodies and institutions executing punishment and other measures of criminal responsibility. PMCs can visit only institutions where persons who have already been sentenced to imprisonment are kept. Legislation does not provide for visits by members of PMCs to temporary detention facilities, psychiatric hospitals, pre-trial prisons and other places of incarceration.

101. Resolution No. 1220 does not provide for clear criteria for the selection of PMC members from a number of candidates. Thus, the selection and formation of PMCs is entirely a responsibility of the Ministry of Justice.

102. The entire composition of the Commissions consists mainly of members of charitable, sports, social and religious organizations.[11] Human rights defenders with knowledge of international human rights standards are unreasonably denied membership in PMCs.[12]

103. In accordance with the Resolution No. 1220, in order to visit a penitentiary institution, a PMC is obliged to apply with a written request to the head of the department of DEP. DEP permits or does not allow visits to this or that institution. After receiving a permission to visit the institution, the commission is obliged to inform the head of the institution of the date and time of the visit. Visiting without the consent of the DEP and without warning the head of the penitentiary institution about the date and the time of the visit by members of the PMC is not legally allowed, and accordingly cannot be realized. PMCs are also not authorized to receive complaints from prisoners.

104. The Resolution No. 1220 has been amended, but the changes were of a decorative nature. In accordance with the changes international organizations got a possibility to monitor, but only a citizen of the Republic of Belarus can be a member of a commission, what in principle does not in fact change the composition of the commissions. As a result of the amendments, the rights of PMCs' members have been increased slightly. Members of a PMC have the right to request from the administration of the institution the information and documents necessary for conducting public control and preparing conclusions. However, it is forbidden to get acquainted with the materials of the operational and official activities, the personal files of convicts, and other documents related to the execution of punishments and other measures of criminal responsibility concerning specific convicts. Thus, this right to request documents from the administration of the institution is nominal.

105. The right to conduct questioning of persons held in institutions was given in the result of changes in the form approved by the Ministry of Justice in agreement with the Ministry of Internal Affairs. The inability to conduct questioning on questionnaires developed by human rights organizations raises questions about a possibility of independent monitoring.

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[11] For example, the "Belarusian Cultural Foundation"; "Belarusian Writers' Union"; "Russian Cultural Center "Rus"; "Social projects"; "Gomel club of cheerful and resourceful"; "Promoting road safety".

[12] A representative of the Republican public association "Legal Initiative" a human rights activist Sergei Ustinov was unreasonably denied membership in the Minsk Regional Public Monitoring Commission by the Ministry of Justice on 11.09.2012, with the answer No. 7-8 / 2964-1 and 24.06.2015, the answer No. 7-9 / 2335-1. The educational human rights institution "Office for the Rights of Persons with Disabilities" applied to the Republican, Minsk city, Minsk regional commissions on inclusion of its representative in 2015, but received refusals.

106. In accordance with the Resolution No. 1220, members of the PMC are prohibited from: performing film, photo, video and audio recording, taking written appeals from convicted persons. The participation of public associations is foreseen mainly only in social and "material" areas - participation in the organization of work, rendering assistance to convicts in preparation for release, etc. A PMC member cannot talk to convicts without the presence of representatives of the administration.
107. The state in its report p.123 states that in 2012-2014 representatives of public monitoring commissions visited 25 institutions of the penal system. Thus, in one year, PMCs visit an average of 8 institutions. This number of visited institutions is scanty, since there are 47 institutions in Belarus that PMCs have access to.
108. During all the years of their existence, they have not published any serious monitoring report on visits to penitentiary institutions. From 2012 to 2015, the PMCs basically adhered to one conclusion about the institutions visited: the conditions for accommodation and food meet all the requirements for the system of execution of punishment, they meet the established norms. During questioning of convicts there were no complaints about the work of administrations.
109. According to the state report p.126, members of commissions visit kitchens, canteens, bath-house complexes, libraries, visiting rooms, study rooms, etc. When familiarizing themselves with the work of institutions, conversations with convicts are conducted. However, in the generalized information on the activities of PMCs on the website of the Ministry of Justice, instead of talking to convicts they give a concept of "preventive conversations with convicts".[13] This concept speaks about carrying out of some preventive measures, but not impartial conversations with prisoners about the use of torture. Based on paragraph 126 of the state's report, it can be seen that the PMC members are not shown the most problematic places (chamber-type rooms and punitive confinement), which confirms the closeness of these institutions even for a PMC.
110. The state in its report p.129 states that in 2014 access to institutions for acquaintance with the conditions was granted to the human rights organization Platform Innovation. In addition, the analytical center "EcooM", together with human rights organizations, has been implementing a project in 2014 to conduct sociological surveys among convicts in order to identify the reasons for conflicts with the administration and to study prison conditions. It should be noted that, according to the law, only members of PMCs have the right to exercise public control over the activities of bodies and institutions that carry out punishment and other measures of criminal responsibility. Members of the human rights organization Platform Innovation and the analytical center “EcooM” are not included in PMCs. If such organizations managed to get access it is unclear on what legal basis, and what norms of the national law regulate their visits to prison facilities. These organizations have not officially published any analytical monitoring report on visits for 2014 -2016.

111. To establish fully independent bodies with the authority to conduct independent and effective visits to places of imprisonment without prior warning, to ensure the presence among their members of human rights defenders, medical professionals aware of relevant international standards, as well as international experts and other representatives of civil society. To ensure that their members can speak face to face with prisoners, the results of such monitoring and recommendations should be publicly disclosed in a reasonable time.
112. To provide access to independent NGOs in places of detention, including militia stations, pre-trial prisons, security facilities, places of detention for administrative charges, isolators of medical, psychiatric facilities, prisons and other places of detention.

113. The State did not give a permission for the visit to the country of the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading

[13] http://minjust.gov.by/ru/public-control/activity/

treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, The Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of peaceful assembly and the right to association. The state does not recognize the mandate and therefore does not interact with the special rapporteur on the situation in Belarus.

114. The unwillingness of the state to cooperate with the UN human rights mechanisms is indicated by the fact that the recommendations on sending an open invitation to all special procedures and recognizing the mandate of the Special Rapporteur on the situation with human rights in Belarus were not supported by Belarus during the Universal Periodic Review in 2015.

115. The recommendation to join the Optional Protocol to the Convention against Torture, the establishment of a national preventive mechanism under this protocol and the recognition of the competence of the Committee against Torture regarding the consideration of claims about the breach of obligations under articles 21 and 22 of the Convention were also not supported during the Universal Periodic Review in 2015 year.

116. In the fourth periodic report of 2011, the State claimed that it was considering the possibility of a declaration under articles 21 and 22 of the Convention. However, the fifth report does not provide any information on this. At the request of human rights activist Victoria Fyodorova to the Ministry of Foreign Affairs about a possible statement on articles 21 and 22 of the Convention, a response was received that "the question of recognizing the competence of the UN Committee against Torture to receive and consider communications is at the discretion of the States Parties to this Convention and is not an obligation. The Republic of Belarus did not take a decision on recognizing the competence of the UN Committee against Torture in accordance with these articles of the Convention." Thus, since 2011, when the state considered the possibility of declarations under Art. 21, 22 of the Convention, no real steps have been taken.

117. To send open invitations to all special procedures and recognize the mandate of the Special Rapporteur on the situation with human rights in Belarus.

118. To join the Optional Protocol to the Convention against Torture, to establish a national preventive mechanism in accordance with this protocol.

119. To recognize the competence of the Committee against Torture to deal with allegations of breach of obligations under articles 21 and 22 of the Convention.

Question 20 from the list of issues

120. Information about the conditions of detention is not provided. Human rights defenders who send appeals to officials of institutions receive answers about the secrecy of this information. Courts do not accept complaints about concealment of information about the conditions of detention, or make decisions on the correctness of concealing information, thereby confirming the secrecy of these data for human rights defenders and the public.

121. It is a matter of concern that people with mental illnesses can be kept in general conditions both before the trial in custody and as well as while serving sentences. The court decides on the form of punishment, namely, compulsory treatment or sending to a colony. Only if the defendant is found insane at the time of committing the crime, the court cannot decide on sending to the correctional institution, but must either release from punishment or sent for compulsory treatment. In all other cases, most often these decisions are taken subjectively without expert assessment of the possible consequences for the mental state due to being in general conditions. There are no psychiatrists in colonies and pre-trial prisons. In February 2016 in Gomel a 17-year-old teenager with a mental illness Vitaly Galkin was taken into custody and placed in pre-trial prison No. 3 before the trial. He was kept in general conditions with adult detainees without paying attention to the state of his psyche. All appeals for the replacement of the measure of restraint and the placement of Galkin in more suitable for him conditions were ignored by the prosecutor's office of the Gomel region during the investigation and by the court during the examination of the case. Sometime after the detention, Vitaly said that he was raped by cellmates. Neither lawyers nor his legal guardian do not know about the subsequent proper

medical examination and investigation. In December 2016, Galkin was sentenced to 9 years of serving a sentence in an educational labour colony. At the same time in the conclusion of psychiatric examination it is said that finding Galkin in general conditions can irreversibly affect his health condition.

122. Pavlov Andrey a legally incapable person with a mental illness (organic personality disorder) has been serving sentence in colony No. 3 Vitba since 2012. No special conditions were created for Pavlov. At the same time, as an incapable person, he cannot independently assert his rights (to write complaints, among other things).

123. To take measures at the legislative level and in practice providing that persons with diagnosed mental illnesses would be kept under special conditions under the supervision of qualified medical personnel.

Question 21 from the list of issues

124. The state avoids taking immediate and effective measures to combat violence in places of deprivation of liberty. There are cases of torture (beatings) and threats of sexual violence during interrogations.

125. In 2015 in the village Molyavka, Central Street, 16, Tolochinsky district, Vitebsk region, three militiamen Major Sokolovsky R.V. and captains Kulik A.S. and Ivchin V.G. beat citizen Nikolai Radivilov (with 2nd group visual disability) and he was taken in handcuffs, barefooted to the Tolochin militia department (22 km). In the car they put him to the back seat, and a militiaman sat on top of him, as a result the citizen lost consciousness. On the way, the ambulance provided him with the necessary medical care. In Tolochin militia department Radivilov was thrown to the floor in the office № 33 of the major Sokolovsky, who continued to beat the citizen for 2.5-3 hours. The Prosecutor's Office and the Investigative Committee did not find any unlawful actions in the actions of militia officers.

126. Kirill Smolyarenko who was born in 1987 on June 23, 2015 was detained by militia officers, he was beaten up during detention, officers continued to beat him in the bus when he was being taken to the Soviet militia department of Minsk. During interrogations in the Soviet militia department he was also beaten in order to obtain confessions. On June 24, 2015, the fact of the beating was confirmed by the examination in the medical institution. In January 2016 the court of the Soviet district of Minsk ignored documentary evidence and testimony about the use of torture. In June 2016, the Minsk City Court also ignored the facts of torture.

127. Arthur Evglevsky who was born in 1988 was detained in February 2014. During the detention he was severely beaten, two fingers on his leg were broken in the Leninsky district militia department. In the militia department of the Frunzensky district of Minsk, he was tortured to sign confessions. The results of beating were recorded during the medical examination and complaints were filed against torture. In the prison of Zhodino for all the complaints he was beaten again. The court did not take into account the allegations of torture and recognized beatings as falling from the distance equal to his own heights.

128. Maria Pavlenok, born in 1992, was detained in August 2017 by militia officers, after the detention she was beaten during interrogation. In November 2017, in the court of the Zavodskoy district of Minsk, she claimed that she had been tortured during the interrogation, but the court ignored the testimony.

129. P.Ivanov was beaten SIZO No. 2 in Vitebsk, by the employees of the institution on 7, 8 and 12 December 2017 with the purpose of signing confession statements and refusing to engage in public activities. A complaint was filed on the fact of torture. In order to conceal the traces of torture, an expert was not given access to Ivanov to record the beatings, and he was kept for 37 days in solitary confinement (an urgent message to the special rapporteur on torture 573qh49r). Only on January 19, 2018 during the judicial investigation, Ivanov's injuries were recorded. After that, the authorities acknowledged the fact of beatings in connection with P.Ivanov's attack on the employee of the institution.

130. On January 30, 2017, Stanislav Andreev was detained by police officers Pavel Kutkovic and Marian Nesteruk and taken to law enforcement point No. 8 of the Leninsky DDIA of Mogilev. In the police he was beaten, choked and raped by a police baton with a condom. Forensic medical examination lasted 1.5 months. At the time of writing of the report on February 26, 2018, the criminal case was not initiated, and police officers who used torture continue to work.

131. To take immediate and effective measures to combat violence in prisons in accordance with the Bangkok Rules.

Question 22 from the list of issues

132. Public information about deaths (reasons, investigations and measures taken) in places of incarceration is extremely limited. According to our information, responsible officials do not take sufficient measures to prevent and investigate deaths in places of imprisonment.

133. On December 29, 2013, under unclear circumstances, a citizen Igor Kudelko died in the pre-trial prison of DIA of the Vitebsk Regional Executive Committee. The head of the press-service of the Ministry of Internal Affairs Konstantin Shalkevich refused to comment on what had happened, having shown a special interest in the source of information.

134. On January 29, 2016 in prison No. 8 in Zhodino a prisoner Oleg Bogdanov (36 years old) died. This is what he wrote to his mother the day before his death: "The hospital here is a former punishment cell, located in the basement. Cells are 3 by 2.5 meters, there are from 5 to 11 people and only three beds. You cannot lie on the bed in the daytime, just sit. The floor, walls and ceiling are concrete. No treatment is provided. I ask the guards to call a doctor - they do not do anything. Sometimes it gets bad, there are some seizures, I lose consciousness, and they do not allow me to lie down on the bed – they write reports. And I already have four reprimands for lying during a day on the bed. Soon they will take me to the punishment cell. Just in case, I wrote a will."

135. In November 2016, under unclear circumstances, in prison No. 8 in Zhodino a prisoner Igor Barbashinsky died, 17 hematomas were found on his body, as well as scars on his head, which were formed 2-3 days before the death. According to this fact, a criminal case has been instituted against medical personnel - prison staff and a local hospital.

136. In recent times, incidents of suicides and deaths because of failure to provide proper medical care have increased in places of detention.

137. In June, 2016 Ishchuk Sergei died in IK-13 in Glubokoe, in January 2017 Valentin Pischalov died in the same colony, in IK-15 in Mogilev died Lembovich Alexander. Relatives filed complaints about suspicion of failure to provide proper medical care but got refuses. So from the decision to refuse to open a criminal case, it follows that on December 19, 2016 Pischalov applied for medical assistance and informed that he had been ill for more than a week. It can be seen from his medical record that from 19 to 30 December 2016, no treatment, exemption from work or bed rest was granted to Pischalov V. During the examination on December 30, he complained of chills, weakness, headache, cough, and a temperature of 39.2. However, the paramedic indicated in the medical record that the general condition was satisfactory and diagnosed with URTI, despite the fact that Pischalov had a history of tuberculosis. Until January 3, 2017 he was not provided with medical assistance. On January 4, 2017 Pischalov had died during transportation to the hospital.

138. The circumstances and causes of each death should be urgently, impartially and effectively investigated.

139. Prisoners should be provided with the same standards of health care that exist in society and they should be provided with free access to the necessary health services.

Articles 12 and 13

Question 23 from the list of issues

140. During the period 2011-2016 in the Republic of Belarus there were no confirmed facts about the new politically motivated disappearances. However, no attempts have been made by the authorities to investigate cases of the disappearances in 1999-2000 of ex-Interior Minister Yuri Zakharenko, former deputy speaker of the Supreme Council Viktor Gonchar, businessman Anatoly Krasovsky, journalist Dmitry Zavadsky, and recommendations of the UN Committee's against torture Concluding Observations for Belarus from 2011 (CAT / C / BLR / CO / 4, para. 9) in this part have not been implemented by the state.
141. Official reports of the competent bodies of the Republic of Belarus on their lack of data on the persons guilty of kidnapping do not correspond with the reality, as the available data reliably confirm that the former and current representatives of the Belarusian authorities, including the top echelon, are involved in this crime.
142. The validity of the alleged suspicions against the highest state officials is not refuted in the manner prescribed by law and the victims, their trusted persons and the public are not provided with evidence of this. However, in the Krasovsky case, the HRC found Belarus guilty of violating the ICCPR, since it did not provide an effective remedy and did not ensure a thorough and effective investigation into the relevant facts, criminal prosecution and punishment of the perpetrators, proper reporting of the results of investigations and appropriate compensation.[14]
143. Similar conclusions are contained in the HRC's Views from March 17, 2017 on the case of Yuri Zakharenko.[15] According to the appeals of U. Zakharenko on the implementation of this decision at the national level, the state refuses to comply with the decision of the HRC, arguing that the Committee's Views are of a recommendatory nature.
144. Currently, a proper investigation of criminal cases on the disappearance of political opponents of the authorities, the identification of the guilty is practically not conducted, and an imitation of the investigation is being carried out.
145. On numerous petitions of relatives and their representatives to acquaint them with at least some materials of the investigation, they receive unmotivated refusals.

146. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
147. To take the necessary measures to fully and impartially investigate the disappearance of political figures - V. Gonchar, D. Zavadsky, Y. Zakharenko, A. Krasovsky and to transfer the criminal case to the court.

Questions 24, 25 and 26 from the list of issues

148. Allegations of torture and ill-treatment are not investigated promptly, impartially and effectively, and a victim does not have access to the investigation materials. In connection with the fact that there is no independent article in the Criminal Code for torture and cruel, inhuman or degrading treatment, investigations, if conducted, are investigating, in fact, illegal actions of militia officers. Legislation does not provide for the suspension from service of officers who are being under investigation for the alleged use of torture, they continue to work and have the opportunity to exert pressure on the victims.
149. There is information that the administration of correctional colonies, in cases of torture and ill-treatment, persuade prisoners not to write complaints. If persuasion does not help, they begin to intimidate, often such prisoners are beaten, placed in punitive confinement.[16] All letters, and accordingly complaints, go through the administration of places of imprisonment.

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[14] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBLR%2FQPR%2F5&Lang=ru
[15] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBLR%2F5&Lang=en
[16] There are usually no windows in punitive confinement, the batteries do not function in winter, no additional outer clothing is given, in winter in such cells it is cold, in the summer it is very damp. Often, people who are HIV-infected and sick with tuberculosis are placed in punitive confinement together with healthy prisoners

Administration of the colonies tries not to let letters go out of the institutions. The only possibility is to hand over complaints through releasing prisoners or lawyers. However, the administration itself regulates the possibility of visiting prisoners and may not allow a lawyer, referring to the fact that the prisoner fell ill.

150. September 19, 2013 Petr Kuchura, a third group disabled, was placed in the punitive confinement cell of the correctional colony No. 15 in Mogilev, where the bathroom was filled with a lot of bleach. As a result of contact with water, a reaction occurred which led to poisoning by chlorine evaporation. He was transferred to another cell only after a significant deterioration in the state of health, but was not provided with medical assistance. Complaints about the use of torture did not bring any results.

151. In May 2016, the employees of drug control department detained Roman Liutzko. During the interrogations, he was beaten, tortured with an electric shocker, punched the eardrum, was taken out into the forest and threatened with weapons. After he filed a complaint. The initiation of a criminal investigation on the facts of tortures was refused. At the moment, Roman is in the SIZO and does not have the opportunity to get acquainted with the materials of checks that were done because of his complaint on tortures. These materials are also not given to his representative on power on attorney, referring to the fact that the CPC does not establish such representative's right to get acquainted with the materials.

152. Investigation of crimes committed by officials of the prosecutor's office, internal affairs bodies, the investigative committee in connection with their official or professional activities is carried out directly by the Investigative Committee. No measures have been taken to ensure an independent investigation into cases involving the use of torture. In the structure of the IC, there is no a special unit for dealing with cases involving the use of torture. The activities of the IC largely depend on the President of the Republic of Belarus, which can compromise its independence.[17]

153. Persons who have been tortured may apply to the prosecutor's office, whose competence is to conduct inspections on these complaints. The ineffectiveness of the investigation of such complaints is related to the problem of bias of the prosecutor's office, since, in accordance with the law, the tasks of the prosecutor's office include supervising the execution of the law during pre-trial proceedings, preliminary investigation and inquiry, and supporting public prosecution.

154. In addition, complaints about the use of torture and ill-treatment are often sent by the prosecutor's office to the internal affairs agencies, employees of which are accused of committing acts of torture and cruel, inhuman or degrading treatment. Complaints to the prosecutor's office over the brutal beating of Pavel Plaksa in the Leninski District Department of Internal Affairs with the aim of obtaining confessions were forwarded to the Leninski District Department of the IC, that is, to the body that conducted the criminal case of Pavel and where the former investigators of the same Leninsky District Department of Internal Affairs worked.[18]

155. Basically, investigations represent just a questioning of officers who used torture.

156. On January 30, 2017, Stanislav Andreev was arrested by militia officers Pavel Kutkovich and Marian Nesteruk and taken to law enforcement department No. 8 of the Leninsky district of Mogilev. There he was beaten, choked and raped by a police baton with a condom on it. At the

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[17] For example, the President executes the general management of the IC and controls its activities; appoints, dismisses, dismisses from the office the Chairman of the IC, his deputies, heads of departments of the IC in the regions and the city of Minsk; makes decisions on the issues of legal and social protection of employees of the IC, citizens of the Republic of Belarus, dismissed from the service in the IC to the reserve, their families, civilian personnel of the IC, and members of the families of deceased employees of the IC.

[18] On the night of May 30-31, 2012, officers of the Leninski District Department of Internal Affairs (hereinafter referred to as DDIA) in Minsk detained a suspect Pavel Plaksa. In the first 72 hours he had spent at the DDIA, an ambulance was called to him three times, its visits stopped on June 2, just after Pavel gave "confessions". A doctor's examination found a traumatic brain injury (craniocerebral trauma), bruising of the buttocks, abrasions of the zygomatic area, extensive hematomas, wounds of the right and left arms, etc. According to Pavel Plaksa during all 72 hours he had been brutally beaten in the offices of the Leninski DDIA, officers were forcing him to confess in "committed" crimes.

time of writing the report on February 26, 2018, the criminal case was not initiated, and militia officers who used torture continue to work.

157. As practice shows, the presumption of proving the involvement of officials in the use of torture rests with the victim. Practically all the cases where there is no evidence of torture by specific officers - are terminated.

158. After the beating of Vladimir Nekliaev, the prosecutor's office confirmed that he had been beaten by the militia, but their actions were recognized as legitimate.

159. The prosecutor's office carried out an investigation of appeal by Ales Mikhalevich. He got a refuse in initiation of criminal proceedings. The materials of the investigation of this complaint were recognized as a state secret and Mikhalevich's lawyer was not allowed to get acquainted not only with the materials of the investigation, but also with the decision to refuse to open a criminal case.

160. Despite the media coverage of other cases of Maya Abromchik, Andrei Molchan, Alexander Otroschenkov, Pavel Plaksa, Natalia Radina and Andrei Sannikov, the state did not make efforts to initiate objective investigations and to bring those responsible to justice.

161. To establish an independent and effective mechanism for receiving complaints filed by victims of torture and ill-treatment in state bodies, ensuring the possibility of medical examination of such facts, in support of the victims' accusations, to ensure in practice the protection of victims who have filed complaints of ill-treatment and intimidation that are the result of a complaint and providing evidence.

162. Amend the law to ensure that the representative with power on attorney has the opportunity to get acquainted with the materials of the checks on complaints on tortures.

163. To establish independent and impartial governmental and non-governmental human rights commissions that will have real powers, including the ability to protect human rights, investigate all cases of complaints of human rights violations and will monitor the implementation of the Convention.

164. To ensure that people accused in the use of torture are suspended from the performance of their duties for the duration of the investigation, especially if there is a risk that the suspects due to their position may put pressure on the victim and obstruct the investigation.

Question 27 from the list of issues

165. Despite the state's statement that work has been carried out to study the establishment of a national human rights institution in Belarus, the position of the state on this issue is clearly traceable to the results of the UPR in 2015 - Belarus did not support the recommendation to establish an independent national human rights institution in accordance with The Paris Principles.

166. On October 24, 2016, the Council of Ministers approved the Interdepartmental plan for the implementation of the recommendations adopted by Belarus following the completion of the second cycle of the UPR and recommendations addressed by the human rights treaty bodies. One of the activities of this plan for 2016-2019 is the continuation of a comprehensive study of the expedience of establishing a national human rights institution in the Republic of Belarus (p. 4).[19]

167. Thus, the state until 2019 will only continue to study the establishment of a national human rights institution, which indicates that the state is not aimed at achieving its creation, but only demonstrates the appearance of formal actions in this direction.

168. To establish a national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 14

Questions 28 and 29 of the list of issues

[19] http://government.by/upload/docs/fileda5977190d4418c4.PDF

169. It is possible to receive compensation only after the initiation of a criminal case and the identification of a victim of torture or their relatives as victims. Since the practice of instituting criminal proceedings on articles mentioning torture does not exist and there is no a separate article establishing responsibility for acts of torture, it is impossible to assess the practice of compensation and rehabilitation of victims of torture. There are only a number of examples when cases were opened on other articles of the Criminal Code.
170. Igor Ptichkin died in Minsk pre-trial prison No. 1 on August 4, 2013, from cardiac arrest, but the reason of it was not reflected during the examination of the body of the deceased. Relatives of Igor Ptichkin say that he died because of beatings by guards, as numerous injuries were found on the body, which were recorded in photographs.
171. The investigation of the fact of the death of the prisoner I.Pichkin in Minsk pre-trial prison had lasted since August 2013. As the result not guards were accused of his death, but a medical officer of the pre-trial prison No. 1, who was on duty on the night of death. The criminal case was instituted for improper performance of professional duties by a medical officer, which entailed, by carelessness, the death of the patient. In January 2017, relatives of Igor Ptichkin filed a lawsuit in court to get compensation for material and moral damages. The court charged the MIA in favor of Zhanna Ptichkina (mother) in compensation for moral damage 20,000 Belarusian rubles (about 10,000 euros) and burial expenses in favor of Irina Ptichkina (sister) 10,000 rubles (about 5,000 euros).
Article 15
Question 30 from the list of issues
172. Judges critically appraise the statements of the accused at the trial stage that they were tortured during the preliminary investigation. Statements which differ from those given during the preliminary investigation are perceived by judges as an attempt by the accused to justify themselves, and the verdict is based on the evidence given by the accused at the stage of preliminary investigation, despite the statements of the accused that they were given under torture.
173. 07.11.2014. Sergey Khmelevsky was detained and taken to Machulischi militia department where he was beaten by militia officers, psychological influence was rendered. In connection with this, during the first interrogation Khmelevsky incriminated himself by taking responsibility for the murder of Eliseenko E.I. These statements subsequently formed the basis of the death sentence imposed on Khmelevsky. Subsequently, forensic medical examination of Khmelevsky confirmed the presence of bodily injuries, which are consistent with hits by a blunt object. The prosecutor's office carried out an investigation of Khmelevsky's statement, but refused to institute criminal proceedings against militia officers. In order to find out the reasons of the blunt trauma the defence asked the court to question the militia officers who were detaining the defendant but the court dismissed the appeal.
174. In August 2012, Pavel Seliun was detained by militia officers and taken to Grodno. During the interrogation, torture was used to him and psychological pressure was exerted. In court, Seliun stated that the militia used psychological and physical influence against him, as a result of which he incriminated himself. As a result, the testimony obtained through the use of torture was the basis of the death sentence.

175. The State should take the necessary measures to ensure that it is practically inadmissible to use confessions received with the use of torture or coercion in court in accordance with the laws of the country and Article 15 of the Convention. The State should ensure that all the judges would ask all the detainees whether they have been tortured or ill-treated while in custody and would appoint an independent medical examination when it is necessary for the accused. The judge must reject such evidence, in particular, if the accused asks about it in court and the reasonableness of his statement is confirmed by medical examination. If there are reasons to believe that torture has occurred, an expeditious and impartial investigation should be conducted, especially in cases where confessions are the only evidence in the case. In this

regard, the state should guarantee a possibility of access to judicial proceedings for international governmental and non-governmental organizations.

Article 16

Question 31 from the list of issues

176. The national legislation determines that the commission of a crime against a minor person, as a rule, is an aggravating circumstance, which increases the responsibility for the crime.

177. The national legislation does not explicitly prohibit the use of corporal punishment against children in any environment, including schools, children institutions and homes.

178. According to the Criminal Code, a circumstance aggravating the responsibility is the commission of a crime against a child known to be young, that is, not against all children, but only under the age of fourteen.

179. Aggravating circumstance - committing a crime against a minor set by Part 2, Art. 154 of the Criminal Code - torture (deliberate infliction of prolonged pain or torture in ways that cause special physical and mental suffering to the victim, or systematic beating), which does not include all possible situations of corporal punishment of children.

180. To introduce in the national legislation, the responsibility for the use of corporal punishment of children.

Questions 32 and 33 from the list of issues

181. As noted earlier, human rights defenders are deprived of the opportunity to receive information from the authorities about prison conditions. By interviewing former prisoners, it was found out that the quality of food is poor and the amount of food is inadequate. The respondents paid attention to the frequent use of incompatible products, the use of products not intended for humans (such as fish heads), the lack of accounting for the types of food (minus pork, vegetarian etc.).

182. Persons serving administrative arrest note that in the warm season the cells are stuffy, forced ventilation does not work, the windows do not open, and the rest of the year it's cold. There is no hot water in the cells.

183. Medical assistance is not always rendered on time and in the proper amount (see paragraph on deaths). Stupchik Mikhail was convicted under Article 288 part 3 of the Criminal Code of the Republic of Belarus in 2015 for 10.5 years. He was sent to serve his sentence to the colony No. 3 in the Vitebsk region, Vitba village. While in the colony, in the first year he fell ill with an infectious disease called papillomavirus. The disease progresses, but until now no treatment has been received. Permanent appeals for medical care are left without attention.

184. The CEC contains such a measure of penalty for persons sentenced to deprivation of liberty, as transfer to solitary confinement for up to six months. During this period, convicts are limited in their right to communicate with a clergyman, to telephone conversations, to watch TV programs, they are allowed to spend no more than one base unit per month (11 euros) for personal needs, to receive one parcel (small package) weighing up to 2 kilograms for 6 months and make a daily walk of 30 minutes.

185. The Belarusian legislation also allows in the form of disciplinary punishment to hold in solitary confinement administratively arrested people.

186. Compulsions for filing a petition for pardon are widely practiced. This was stated, in particular, by political prisoners Nikolay Statkevich, Nikolay Dedok, Sergei Kovalenko, Ales Beliatsky.

187. Almost all correctional colonies have places of worship for Orthodox Christians. The things are worse for the conduct of religious rituals by believers of other confessions.

188. CEC provides for the keeping of minors separately from adults (educational colonies). In Belarus there is one educational colony (Bobruisk), in which conditions for studying and resting for minors are created. However, in pre-trial prisons there are cases of co-location of minors and adults.

189. *To ensure that all prisoners have access to the necessary food and medical care and receive such food and services*.
190. *To ensure that all juveniles are kept separately from adults throughout their time in custody or imprisonment*.
Question 34 from the list of issues
191. During the reporting period, the Republic of Belarus was not taking any measures to change the legislation regulating the use of the death penalty. Procedures of the execution of death sentences remain the same. The death penalty in Belarus is executed non-publicly by shooting, the date and place of execution are not reported, the bodies are not given to relatives and the place of burial is not reported. The HRC has repeatedly recognized these procedures as a cruel and inhuman treatment of relatives of executed persons.[20]
192. After the sentence comes into force, the sentenced to death have a right to file a request for pardon. Pardon is given by the head of the state. The request of convicted persons for pardon, before being submitted to the President for consideration, is preliminary considered by the Commission on pardon issues under the President of the Republic of Belarus. The legislation provides for the possibility of inviting the representatives of mass media and public organizations to meetings of the Commission, but the Commission's meetings are not held publicly. Presidential decrees on pardoning or refusing pardon are also not public.
193. In nine cases (V. Kovalev, A. Zhuk, V. Yuzepchuk, A. Burdyko, O. Grishkovets, P. Seliun, A. Grunov, S. Ivanov, S. Khmelevsky, G. Yakovitsky), death sentences were carried out, despite the fact that protection procedures in accordance with the Rules of Procedure of the HR Committee No. 92 have been initiated on individual complaints submitted to the HRC. The Government of Belarus was notified in writing of their inception. In six cases after consideration of individual appeals of the already executed A. Zhuk, V. Kovalev, A. Grishkovets, O. Burdyko, V. Yuzepchuk, P. Seliun, the HRC found violation by the Republic of Belarus of Art. 6 of ICCPR - the right to life.[21]
194. The lack of guarantees of appeals against the death penalty imposed by the Supreme Court as a court of the first instance is of a particular concern to the human rights community. The Supreme Court has the right to take any criminal case to its proceedings on its own initiative. The appeal of the verdict, which came into force as a result of supervision, is not an appropriate measure of legal protection, since it does not provide for a full-fledged judicial process with a collegial examination of the complaint. The absence of a possibility of appealing against the verdict of the Supreme Court, as the one that didn't come into force, was qualified by the HRC as a violation of Article 5 p. 14 of the ICCPR in the case of Liubov Kovaleva and Tatyana Koziar v. Belarus (communication No. 2120/2011).
195. During 2016, there were no official statements on the possibility of ratification by the Republic of Belarus of the Second Optional Protocol to the ICCPR, as well as any statements by the authorities about the possibility of introducing a moratorium on the use of the death penalty or its complete abolition.
196. In 2016, four death sentences were pronounced in the Republic of Belarus (Gennady Yakovitsky, Sergei Khmelevsky, Sergei Vostrikov, Kirill Kazachek) and four people were executed (Sergei Ivanov, Gennady Yakovitsky, Sergei Khmelevsky, Sergei Vostrikov). In 2017, (at the end of July), four death sentences were pronounced (Alexei Mikhalenya, Semyon Berezhnoy, Igor Gershankov, Viktor Letov), and one person was executed (Sergei Vostrikov). In January 2018, two more persons were sentenced to death – Vyacheslav Suharko and Alexander Zhilnikov.

[20] https://dp.spring96.org/ru/news/85574
[21] http://spring96.org/ru/news/32864, http://spring96.org/ru/news/67168, http://spring96.org/en/news/50965, http://spring96.org/en/news/59260

197. To ensure that the prison conditions for persons sentenced to death would comply with the international human rights standards, in particular concerning total prohibition of torture, inhuman and degrading treatment or punishment (Article 7 of the ICCPR).
198. To immediately introduce a moratorium on death sentences and their execution as the first step towards the complete abolition of the death penalty.
199. Prior to the moratorium or the abolition of the death penalty, to regularly provide the public with complete and timely information related to the use of the death penalty, publish the number of executions carried out.
200. To ratify the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty.
201. To provide family members of the executed persons with information about the burial places, to compensate for the sufferings and to prevent similar violations in the future.

Other matters

Question 35 from the list of issues

202. The Law of the Republic of Belarus "On Combating Terrorism" from 03.01.2002, No. 77-3, contains the main principles of the fight against terrorism, the main terms and their definitions, regulates the competence of subjects engaged in fight against terrorism, the conditions for conducting antiterrorist operations, the legal regime in the zone of conducting of anti-terrorist operations and other issues. The Criminal Code contains a number of criminal offenses that criminalize the commission of or a threat to commit a terrorist act.[22]
203. Thus, a legislative base has been adopted and is functioning in the Republic of Belarus that is sufficient for carrying out fight and prevention of acts of terrorism, and the state bodies of the Republic of Belarus are endowed with the necessary powers to carry out such a struggle.
204. At the same time, the antiterrorist measures adopted by the state at the legislative level affect in some cases the guarantees for the protection of human rights. Thus, the CPC establishes longer periods (no more than 10 or 20 days) of possible detainment of persons or putting them into custody before instituting charges for suspected of committing terrorist crimes in comparison with the terms of detention for other, less serious crimes (not more than 72 hours and 10 days). Such a long period of detention until the official charge is unreasonably long and violates the guarantees of rights established by Art. 9 of the ICCPR. In addition, it should also be noted that, in accordance with Part 2 of Art. 119 of the CPC at the stage of preliminary investigation, preventive measures in the form of detention may be applied by the prosecutor or his deputy, or the Chairman of the IC, the Chairman of the KGB or persons performing their duties, or by the inquiry body or the investigator with the sanction of the prosecutor or his deputies, which also violates the guarantees established in Art. 9 of the ICCPR.
205. The observance of the guarantees of human rights during the prosecution of individuals on the antiterrorist elements of crimes that provide for an exceptional measure of punishment in the form of the death penalty is of a special concern.

206. Bring the norms of the CPC defining the procedures for the detention and imprisonment of persons suspected of committing terrorist crimes in accordance with the requirements of the ICCPR.

Tortures in the army.
207. We are also concerned about the cases of deaths in the army. So in October 2017 a conscripted soldier Alexander Korzhich was found hanged in the military unit in Borisov. Even before this incident, he claimed about threats, violence and cases of taking his money by senior officers.

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[22] Art. 289 of the Criminal Code (act of terrorism), 291 (threat of an act of terrorism), 290 (1) (financing of terrorist activities), 290 (2) assistance to terrorist activities, 290 (3) (training for participation in terrorist activities); 290 (5) (organization of activities of a terrorist organization and participation in the activities of such an organization), 124 (act of terrorism against a representative of a foreign state), art. 126 (act of international terrorism).

208. In March 2017, the soldier Artem Bastyuk was found dead in the military unit in Borisov. A week before his death, in the presence of his parents, he told the commanders about the cruel treatment in the army by the senior officers. The commanding officers assured that everything is under control and they shouldn't worry. The day before his death Artem called his relatives and said good-bye.

Recommendations

209. To introduce in the Criminal Code an independent article providing for criminal liability for all acts of torture in the understanding of art. 1 and 4 of the Convention and to establish a universal jurisdiction for these crimes.

210. Publicly and unambiguously condemn the use of all forms of torture, referring in particular to law enforcement officers, military forces and prison staff, including in these statements a clear warning that any person who commits or participates in such acts will incur personal Criminal liability.

211. To legislatively guarantee the right of a prisoner to be examined by an independent doctor.

212. To amend the criminal procedural law so that complaints against changing the measure of restraint can be filed every time when there are new circumstances that give grounds to file it.

213. To establish at the legislative level, that all detainees are immediately registered in the centralized electronic database, to which lawyers and relatives of detainees will have access.

214. To take measures at the legislative level that only the court shall make decisions on provisional detention of an apprehended person.

215. To oblige to wear a uniform equipped with clearly visible identification signs and to provide all representatives of law enforcement agencies that are on duty, including special forces (riot police), KGB officers with it.

216. To hold by the General Prosecutor's Office, open and with timely publication of information in media, meetings with relatives of prisoners and former prisoners in order to obtain information about possible facts of torture while in custody and serving their sentences.

217. To publish detailed information on the website of the Prosecutor General's Office about the place, time and frequency of prosecutor's inspections of places of detention, including psychiatric clinics, and the results of these visits and actions taken.

218. At the legislative level and in practice, to take measures aimed at video recording of all interrogations from the moment of detention.

219. To establish independent bodies of judicial self-government in the Republic of Belarus with the functions of selecting, appointing, dismissing and disciplining judges, to consolidate its freedom and guarantee its activities at the legislative level.

220. To amend the legislation, excluding the decisive influence of the President and the executive power on the issues of appointment, bringing to disciplinary responsibility and dismissing judges, their financial and pension provision.

221. To ensure termless appointment of judges, making appropriate changes to the legislation.

222. To solve the issues of legislative regulation of the provision of housing, other social benefits (bonuses, benefits, etc.) for judges that exclude all kinds of discretion.

223. To bring the legislation of the Republic of Belarus regulating bar activities in accordance with the international standards.

224. To exclude from the legislation on the Bar provisions relating to the competence of the Ministry of Justice with regard to the regulation of the bar, transferring the functions of the Ministry of Justice to the bar self-government bodies.

225. To cancel the licensing of lawyers by the Ministry of Justice, transferring the authority to admit lawyers to professional activities to the bar self-government bodies.

226. To exclude representatives of executive bodies from the qualification commission and transfer all functions of administering the qualification commission to the bar self-government bodies.

227. To take necessary measures to ensure de facto application of the provisions of the Convention within the national legal system.

228. To introduce in the legislation, the right to free use of services of an interpreter and a lawyer in the sphere of forced migration at all stages of the application and consideration of the application for protection.

229. To consider the simplification of the procedure for obtaining protection for foreigners, use the presumption of trust more actively when considering the application for protection, and provide for the transparency of this procedure.

230. To completely abandon the practice of deportation to states of citizenship of persons where they may face death penalty, torture, persecution on the basis of distinctive features, a danger in connection with the military conflict. To refuse the practice of expulsion without due process, including hidden extradition.

231. To develop a procedure for effective legal mechanisms for the protection of foreign citizens and stateless persons in case of their forced migration from the country of origin.

232. To use detention and detention of foreigners solely as an extreme measure against individuals in case of having telling arguments and in accordance with the UNHCR Guidelines on Applicable Criteria and Standards for the Detention and Detention of Asylum Seekers and Alternatives to Detention. To provide for the possibility of visiting by representatives of specialized NGOs the detained foreign citizens and stateless persons.

233. To consider ratifying the 1961 Convention on the Reduction of Statelessness, the 1954 Convention relating to the Status of Stateless Persons.

234. To provide regular training for all persons who carry out the various duties listed in Article 10 of the Convention concerning the provisions of the Convention and the absolute prohibition of torture, as well as rules, instructions and methods of interrogation, in particular in cooperation with human rights organizations.

235. To provide special training to all staff, especially medical workers, on the detection of signs of torture and ill-treatment and use the Guidelines for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

236. To introduce a gender approach for the training of those involved in the detention, interrogation or work with women subjected to any form of arrest, detention or imprisonment.

237. To regularly assess the effectiveness and of such educational programs in reducing the number of cases of torture and ill-treatment.

238. To establish fully independent bodies with the authority to conduct independent and effective visits to places of imprisonment without prior warning, to ensure the presence among their members of human rights defenders, medical professionals aware of relevant international standards, as well as international experts and other representatives of civil society. To ensure that their members can speak face to face with prisoners, the results of such monitoring and recommendations should be publicly disclosed in a reasonable time.

239. To provide access to independent NGOs in places of detention, including militia stations, pre-trial prisons, security facilities, places of detention for administrative charges, isolators of medical, psychiatric facilities, prisons and other places of detention.

240. To send open invitations to all special procedures and recognize the mandate of the Special Rapporteur on the situation with human rights in Belarus.

241. To join the Optional Protocol to the Convention against Torture, to establish a national preventive mechanism in accordance with this protocol.

242. To recognize the competence of the Committee against Torture to deal with allegations of breach of obligations under articles 21 and 22 of the Convention.

243. To take measures at the legislative level and in practice providing that persons with diagnosed mental illnesses would be kept under special conditions under the supervision of qualified medical personnel.

244. To take immediate and effective measures to combat violence in prisons in accordance with the Bangkok Rules.
245. The circumstances and causes of each death should be urgently, impartially and effectively investigated.
246. Prisoners should be provided with the same standards of health care that exist in society and they should be provided with free access to the necessary health services.
247. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
248. To take the necessary measures to fully and impartially investigate the disappearance of political figures - V. Gonchar, D. Zavadsky, Y. Zakharenko, A. Krasovsky and to transfer the criminal case to the court.
249. To establish an independent and effective mechanism for receiving complaints filed by victims of torture and ill-treatment in state bodies, ensuring the possibility of medical examination of such facts, in support of the victims' accusations, to ensure in practice the protection of victims who have filed complaints of ill-treatment and intimidation that are the result of a complaint and providing evidence.
250. Amend the law to ensure that the representative with power on attorney has the opportunity to get acquainted with the materials of the checks on complaints on tortures.
251. To establish independent and impartial governmental and non-governmental human rights commissions that will have real powers, including the ability to protect human rights, investigate all cases of complaints of human rights violations and will monitor the implementation of the Convention.
252. To ensure that people accused in the use of torture are suspended from the performance of their duties for the duration of the investigation, especially if there is a risk that the suspects due to their position may put pressure on the victim and obstruct the investigation.
253. To establish a national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights.
254. The State should take the necessary measures to ensure that it is practically inadmissible to use confessions received with the use of torture or coercion in court in accordance with the laws of the country and Article 15 of the Convention. The State should ensure that all the judges would ask all the detainees whether they have been tortured or ill-treated while in custody and would appoint an independent medical examination when it is necessary for the accused. The judge must reject such evidence, in particular, if the accused asks about it in court and the reasonableness of his statement is confirmed by medical examination. If there are reasons to believe that torture has occurred, an expeditious and impartial investigation should be conducted, especially in cases where confessions are the only evidence in the case. In this regard, the state should guarantee a possibility of access to judicial proceedings for international governmental and non-governmental organizations.
255. To introduce in the national legislation, the responsibility for the use of corporal punishment of children.
256. To ensure that all prisoners have access to the necessary food and medical care and receive such food and services.
257. To ensure that all juveniles are kept separately from adults throughout their time in custody or imprisonment.
258. To ensure that the prison conditions for persons sentenced to death would comply with the international human rights standards, in particular concerning total prohibition of torture, inhuman and degrading treatment or punishment (Article 7 of the ICCPR).
259. To immediately introduce a moratorium on death sentences and their execution as the first step towards the complete abolition of the death penalty.
260. Prior to the moratorium or the abolition of the death penalty, to regularly provide the public with complete and timely information related to the use of the death penalty, publish the number of executions carried out.

261. To ratify the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty.

262. To provide family members of the executed persons with information about the burial places, to compensate for the sufferings and to prevent similar violations in the future.

263. Bring the norms of the CPC defining the procedures for the detention and imprisonment of persons suspected of committing terrorist crimes in accordance with the requirements of the ICCPR.